US·VISIT

Q&As: BACKGROUND INFORMATION

Introduction

The Department of Homeland Security's US-VISIT Program, which will serve to protect the United States and its territories from threats to national security, is one of the Agency's top priorities. The program will provide the capability to record the entry and exit of non-US citizens into and out of the United States, and provide officials with information about persons who are in the United States in violation of the terms of their admission to the United States.

- The goals of US-VISIT are to:
    - Enhance the security of our citizens and visitors
    - Expedite legitimate travel and trade
    - Ensure the integrity of the immigration system
    - Safeguard the personal privacy of our visitors

What are the laws authorizing the US-VISIT Program?

> In Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Congress initially directed the Attorney General to develop an automated entry and exit control system to collect records of arrival and departure from every foreign visitor entering and leaving the United States. However, Congress amended and replaced Section 110 of IIRIRA with the Immigration and Naturalization Service Data Management Improvement Act (DMIA) of 2000, which directed the integration of existing Department of Justice/Department of State electronic foreign visitor arrival and departure data systems.

> DMIA does not authorize the collection of new or additional data or the imposition of documentary requirements solely for purposes of implementing the System required by DMIA. However, DMIA further states that nothing in that law shall be construed to reduce or curtail the Attorney General's or the Secretary of State's authority under any other provision of law.

How did the terrorist attacks of September 11, 2001, affect the implementation of the system?

The tragic acts of September 11, 2001 increased the urgency to create a comprehensive entry/exit system, and the Congress passed two important acts that have a significant impact on the US-VISIT Program:

- In the USA PATRIOT Act, Congress expressed a requirement for "speed" in the implementation and included the requirement that the White House Office of Homeland Security (OHS) be consulted with respect to the establishment of the Entry and Exit Program. The PATRIOT Act also introduced the concept of biometrics to establish a technology standard that would be used in the development of the US-VISIT System.

- The Enhanced Border Security and Visa Entry Reform Act expanded on the USA PATRIOT Act and the Data Management Improvement Act by directing increased requirements for US-VISIT System integration, interoperability with other law enforcement and intelligence systems, biometrics, and accessibility. In addition, the Enhanced Border Security Act mandated the electronic arrival/departure manifest requirement.

What agencies under the Department of Homeland Security are working together to create the US-VISIT Program?

The US-VISIT Program team consists of representatives from the various components of DHS responsible for border security, including the U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, and the Transportation Security Administration. U.S. Citizenship and Immigration Services is also represented. In addition, outside the DHS, the team consists of representatives from the Department of Transportation, the Department of State, and the General Services Administration.

Who is responsible for enforcing the program?

The Secretary of Homeland Security is responsible for enforcing the provisions which are the basis for establishing a comprehensive entry/exit system. Within the Department of Homeland Security, the Undersecretary for Border and Transportation Security is responsible for implementing US-VISIT.

How will US-VISIT work?

Many of the procedures in place today remain unchanged and are familiar to international travelers. A U.S. Customs and Border Protection Officer will review each visitor's travel documents, such as a visa and passport, and ask questions about the visitor's stay in the U.S.

In addition, the U.S. Customs and Border Protection Officer will use an inkless fingerprint scanner to automatically read the fingerprints of arriving visitors holding visas. The visitor will be asked to put the index finger of one hand and then the index finger of the other hand on the scanner. The Customs and Border Protection Officer will also take a digital photograph of the visitor.

The biographic and fingerprint data will be used to verify the identity of the visitor and compared against watch lists. At that point, the U.S. Customs and Border Protection Officer will either admit the visitor or conduct additional inquiries based on the verification results. These procedures should reduce fraud, identity theft, and the risk that terrorists and criminals will enter the United States undetected.

When leaving the country, visitors will 'check out' at a departure kiosk located within the secure area of major international airports or seaports. Implementation of the biometric exit portion of US-VISIT at airports and seaports will begin in 2004.

How does a U.S. Customs and Border Protection Officer determine that a person requires additional or secondary screening?

If the data provided indicates possible national security concerns, other law enforcement concerns or improper documentation, then the inspector will refer the visitor for additional screening or assistance.

What is the process for visitors exiting the U.S.?

Prior to their international departure, visitors with visas will 'check out' at a self-service kiosk located within the secure area of major international airports or seaports. If additional assistance is needed, a US-VISIT attendant will be available to assist with the fingerprint and document scanning process. Implementation of the biometric exit portion of US-VISIT at airports and seaports will begin in 2004.

What happens after a person 'checks out'? How quickly will you know if they have overstayed their visit?

> The arrival and departure records will be stored in the Arrival/Departure Information System (ADIS). This information will verify if an individual has complied with the terms of his or her visa. It is important that those required to go through departure control comply, so that they may be re-admitted to the United States on future visits.

> ADIS data is constantly updated, and if a visitor overstays his or her allotted time, US-VISIT will record the failure to depart.

How will you check to identify if a visitor has overstayed his or her visit?

> Arrival and departure records are immediately reconciled, and any inconsistency allows US-VISIT to determine when a visitor has overstayed.

What are the consequences for an individual who overstays his or her visa?

> The consequences of violating immigration laws by overstaying periods of admission may vary from a review with immigration officials to removal from the United States or even a bar from future entry, depending on the individual circumstances.

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Q&As: NSEERS AND US-VISIT

US-VISIT is a Department of Homeland Security program that enhances our country's entry and exit system for foreign nationals requiring a visa to enter the United States. Through US-VISIT, the United States will be able to effectively verify the identity of incoming visitors and confirm compliance with visa and immigration policies while continuing to expedite the process for legitimate trade and travel.

When was the National Security Entry Exit Registration System (NSEERS) deployed, and will it be part of the US-VISIT program?

> NSEERS was a pilot project focusing on a smaller segment of the non-immigrant population deemed to be of risk to national security. The National Security Entry Exit Registration (NSEERS) System was introduced at all ports of entry on October 1, 2002.
>
> Currently, at the ports of entry, inspectors have the discretion, based on national security criteria and intelligence reports, to refer an individual from any country to a more detailed secondary inspection.

What is domestic registration or "call ins" for certain countries?

> Males born on or before November 15, 1986, and who are nationals of designated countries, were required to register at a local district immigration office. The process included an interview by an immigration inspector and the collection of fingerprints and a photograph. The list of countries required to register were the following: Iran, Iraq, Libya, Sudan, Syria, Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morocco, North Korea, Oman, Qatar, Somalia, Tunisia, United Arab Emirates, Yemen, Pakistan, Saudi Arabia, Bangladesh, Egypt, Indonesia, Jordan, and Kuwait.

When was the last registration?

> The last registration for group four ended on April 25, 2003.

Will NSEERS continue under the Department of Homeland Security?

> Once the US-VISIT program is fully implemented, it will provide the crucial information necessary on visitors to the United States for border security and facilitation purposes. For this reason, DHS has decided to end domestic registration programs such as NSEERS. However, registration at the ports of entry still continues.

With the end of domestic registration, does that mean that there is no longer a 30-day or annual requirement to register?

> Both the 30-day and annual requirement to register still continues. However, DHS is evaluating these requirements and will make a determination whether or not they will continue.

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Q&As: DEADLINES AND TIMING

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What are the deadlines for completing a comprehensive, automated entry/exit program at all ports of entry (POEs)?

> The law requires that an automated entry/exit program be implemented at air and seaports by December 31, 2003; the 50 most highly trafficked land ports of entry (POES) by December 31, 2004; and all POEs by December 31, 2005.

What are the deadlines by which a biometric identifier must be included in documents?

> By October 26, 2004, countries in the Visa Waiver Program are mandated by the USA PATRIOT Act to certify that they have programs to issue their nationals machine-readable passports that incorporate biometric identifiers that comply with standards established by the International Civil Aviation Organization (ICAO). In addition, by the same time, the Secretary of Homeland Security and the Secretary of State must issue only machine-readable documents that use biometrics.

What is the timing for having an exit system in place?

> An exit system will be in place in 2004. Initially, the electronic manifests and I-94s for arrivals and departures will be reconciled to verify departures. As departure kiosks are deployed in 2004, biometric exit data will be added to the system. Visitors traveling with a visa will be required to use these departure kiosks prior to leaving the United States.

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Q&As: VISA WAIVER COUNTRIES

US-VISIT is a Department of Homeland Security program that enhances our country's entry and exit system for foreign nationals requiring a visa to enter the United States. Through US-VISIT, the United States will be able to effectively verify the identity of incoming visitors and confirm compliance with visa and immigration policies while continuing to expedite the process for legitimate trade and travel.

Will there be a new set of rules applied to the Visa Waiver Program countries?

Yes. The Visa Waiver Permanent Program Act of 2000 directed the collection of records of arrival and departure for every foreign visitor who travels by sea or air and who is provided a waiver under the Visa Waiver Program (VWP). The act required that these air and sea VWP records be incorporated into an automated entry exit system.

As of October 1, 2002, no visa waiver may be granted to an alien if the carrier is not submitting data electronically to our automated system. This requirement is currently being met.

In addition, by October 26, 2004, countries in the Visa Waiver Program are mandated by the USA PATRIOT Act to certify that they have programs to issue their nationals machine-readable passports that incorporate biometric identifiers that comply with standards established by the International Civil Aviation Organization (ICAO). Any passport issued after October 26, 2004, must be an ICAO-compliant travel document that uses biometrics, if the bearer applies for admission into the United States under the Visa Waiver Program. In addition, by the same time, the Secretary of Homeland Security and the Secretary of State must issue only machine-readable documents that use biometrics.

Which countries are in the Visa Waiver Program?

Andorra, Austria, Australia, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom (For citizens with the unrestricted right of permanent abode in England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man.)

For more information on the Visa Waiver Program, please consult www.state.gov.

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Q&As: BIOMETRICS

US-VISIT is a Department of Homeland Security program that enhances our country's entry and exit system for foreign nationals requiring a visa to enter the United States. Through US-VISIT, the United States will be able to effectively verify the identity of incoming visitors and confirm compliance with visa and immigration policies while continuing to expedite the process for legitimate trade and travel.

What does the word "biometric" mean?

A measurable, physical characteristic or personal behavioral trait used to recognize the identity, or verify the claimed identity, of an enrollee. Among the features that can be measured are: face, fingerprints, hand geometry, handwriting, iris, retinal, vein, and voice. Biometric technologies are the basis of an extensive array of highly secure identification and personal verification solutions.

When will a biometric capability be employed in the system?

The Secretary announced that US-VISIT would have the capability to collect biometrics, initially fingerprints and photographs, at air and sea ports of entry by December 31, 2003.

Who will decide which biometric(s) are implemented in the system?

According to the Enhanced Border Security Act, the Secretary of Homeland Security and the Secretary of State shall jointly establish document authentication standards and biometric identifiers standards to be employed on such visas and other travel and entry documents from among those biometric identifiers recognized by domestic and international standards organizations. The National Institutes of Standards and Technology (NIST) recommended the use of fingerprints and photographs as the biometrics to be used for US-VISIT.

Which biometrics will individuals be required to submit for admission to the United States?

> The National Institutes of Standards and Technology (NIST) recommended, and the Secretary of Homeland Security and the Secretary of State have approved, the use of fingerprints and photographs as the biometrics that will be used in the US-VISIT system for US-issued travel documents. In addition, the International Civil Aviation Organization (ICAO) has selected facial recognition as the globally interoperable biometrics to be used for international travel. The US-VISIT system will be designed to accommodate these technologies.

What do biometrics add to the security equation?

> The addition of biometric identifiers, such as fingerprints, makes our security systems more effective than the current process. Currently, only biographic data such as a visitor's name is compared against watch lists of suspected terrorists, criminals and other violators. The use of biometric identifiers in addition to biographic data will make it more difficult for suspects to hide their true identities in an attempt to escape detection and enter the United States illegally.

> Biometric identifiers also protect our visitors because it makes it virtually impossible for anyone else to claim their identity should their travel documents be stolen or duplicated. Biometric identifiers will also reduce fraud and abuse of the immigration system.

> By combining these entry and exit processes, and by securely storing the travel records, we can account for visitors who are required to travel here on a visa.

Is there a fee for those who will need to obtain a biometric visa?

> The Department of State is the Administrator of the program and will determine if there is a change in the fee for issuance of a biometric visa.

When will DHS have the equipment and software in place at ports of entry to read biometric documents?

> Congress mandated in the Enhanced Border Security Act that by October 26, 2004, equipment and software to allow biometric comparison and authentication of all United States visas and other travel and entry documents must be installed at all points of entry.

Will U.S. citizens be required to submit biometric data?

> No. U.S. citizens will not be required to be electronically fingerprinted or photographed upon entering the United States. U.S. citizens wishing to participate in the Dedicated Commuter Lane (DCL) programs such as SENTRI and NEXUS or other expedited processing programs may voluntarily submit biographic and biometric data to expedite their travel.

> The Department of State will begin issuing machine-readable United States passports that include facial recognition technology in the future. Facial recognition, which involves electronically calibrated measurements of a photograph to verify identity, was selected by the International Civil Aviation Organization (ICAO) as the globally interoperable biometric for identity verification in travel documents.

Is biometric data captured on all temporary visitors and immigrants regardless of country of origin?

> Initially, we will capture biometrics from visitors with a non-immigrant visa regardless of country of origin. However, as the US-VISIT program evolves, the program may be expanded in accordance with applicable laws and regulations, in order to meet national needs.

> The United States has existing agreements with Canada, and under current policy, most Canadians are not subject to US-VISIT.

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Q&As: INFORMATION COLLECTION & USE

US-VISIT is a Department of Homeland Security program that enhances our country's entry and exit system for foreign nationals requiring a visa to enter the United States. Through US-VISIT, the United States will be able to effectively verify the identity of incoming visitors and confirm compliance with visa and immigration policies while continuing to expedite the process for legitimate trade and travel.

What information will be collected, and how will it be stored?

The US-VISIT program, once implemented, will collect information on foreign visitors' arrivals and departures by date, nationality, and classification as an immigrant or non-immigrant, and biometric identifiers. The information will be stored in databases maintained by DHS and the Department of State as part of an individual's travel record.

Who will have access to the information?

The system will be available to U.S. Customs and Border Protection Officers at ports of entry, special agents in the U.S. Immigration and Customs Enforcement, adjudications staff at U.S. Citizens Immigration Services offices, and United States consular offices – and appropriate federal, state, and local law enforcement personnel.

Why do these people need access to this information?

They need access to this information to secure our nation and its visitors from those wanting to do harm. The information identifies non-immigrants who may have overstayed their visas or otherwise violated the terms of their admission, to assist in the adjudication of immigration benefits, and to assist certain other federal, state, and local law enforcement agencies as necessary.

How will that information be protected?

The program will be implemented in compliance with the Privacy Act. Only authorized officials will have access to the data, and only for official business on a need-to-know basis. Careful safeguards will ensure that the data is not used or accessed improperly. In addition, the DHS privacy officer will review pertinent aspects of the program to ensure that proper safeguards are in place.

What is Advance Passenger Information, and how will that be part of the system?

> As part of ongoing efforts to enhance public safety and national security and to meet legislative requirements in section 402 of the Enhanced Border Security Act, Homeland Security requires all commercial carriers to submit detailed passenger manifests to Customs and Border Protection (CBP) electronically before a commercial aircraft or vessel arrives in or departs from the United States. The information is crucial to the clearance of passengers when they arrive at the ports of entry. This advance information will allow the US-VISIT system to pre-position data necessary for security and expediting purposes.

> As of October 1, 2002, passenger arrival and departure information on individuals entering and leaving the United States under the Visa Waiver Program (VWP) has been electronically collected from airlines and vessels, through CBP's Advance Passenger Information System (APIS).

What information is currently collected on arriving and departing passengers?

> Currently, inspectors collect the information contained in the Machine Readable Zone (MRZ) on a travel document: name, date of birth, nationality, gender, passport number, document number, document type (passport, visa), and country of issuance. In addition, we collect carrier information such as flight number, etc.

What will be collected under the US-VISIT program?

> Passenger information to be submitted in advance includes: complete name; date of birth; citizenship; gender; passport number and country of issuance; country of residence; alien registration number (where applicable); and complete address while in the United States.

Because temporary visitors must fill out an Arrival/Departure Card (I-94), doesn't the government already capture this information?

> Yes, however, the airlines and cruise ships have always been required by law to submit this information. The new laws do require the information in advance of the arrival of the foreign national as well as in an electronic format.

Once that data is captured, how is it used?

The Advance Passenger Information System (APIS) sends this data to the Arrival and Departure Information System (ADIS) for matching arrivals and departures and reporting purposes. The ADIS sends all arrival information on students to the Student and Exchange Visitor Information System (SEVIS), which enables the U.S. Immigration and Customs Enforcement (ICE) to notify the schools that a new foreign student has arrived and should be arriving at their school within 30 days.

In practice, the arrival and departure records are based on passenger manifest information that carriers transmit to CBP. As of October 1, 2002, waivers may not be provided to a temporary foreign visitor arriving by air or sea at a port-of-entry in the United States on a carrier unless the carrier is electronically transmitting passenger data.

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Q&As: OPERATIONS & PROGRAM MANAGEMENT

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What progress has been made in the implementation of the US-VISIT Program?

> Secretary Ridge has supported the creation of a US-VISIT Program Office, and positions have been approved to fill the organization. Currently, the US-VISIT Program Office consists of 10 government employees and one government contractor. Eventually, the organization will consist of 115 government employees. In addition, the US-VISIT Program Office anticipates the hiring of 177 contractors for a total of 292 employees.

> Of the $380 million in FY 03 spending, US-VISIT funding includes the purchasing of new computers and other equipment. To date, 1,957 workstations have been ordered, and 2,000 sets of peripherals will arrive at the ports of entry.

> The US-VISIT team has also initiated the training process.

Will a more comprehensive check in/check out system at the ports of entry cause more delays at the points of entry?

> We do not believe so. Most of the arrival processes remain unchanged and are familiar to international travelers. Only two additional procedures have been added to the current inspection process. The process is fast and easy.

> As part of the enhanced procedures, visitors traveling on visas will be photographed and have two fingerprints taken at the Passport Control primary booth using a simple, inkless device. All of the data and information is then compared against our inspection and law enforcement databases to verify the visitor's identity and assist the inspector in making admissibility decisions. The fingerprinting, photographing and verification adds a few seconds. At that point, the U.S. Customs and Border Protection Officer will either admit the visitor or conduct additional inquiries based on the verification results.

> Through the use of advance information, the US government will be better able to assess individuals entering the U.S., which will enable officers to expedite processing of visitors who enter the country legally. Our goal is to both improve our security system as well as facilitate the flow of legitimate trade and travel. Over time, we will continue to enhance the entry-exit system.

How much money has the US-VISIT program received in fiscal year 03?

The US-VISIT Program has received $380 million for FY 03.

How much money has the US-VISIT program received in fiscal year 04?

Congress appropriated $330 million in fiscal year 04, however the appropriations laws require that DHS submit a spending plan and meet other conditions and obtain approval from the Appropriation Committees before we may obligate any of the $330 million.

How are you working with the travel and airport/seaport industries to keep them updated and address their concerns about the program?

We are working closely with the air and sea industry regarding the requirements of the US-VISIT program. We see our relationship as a partnership and will continue to work together to secure our nation's borders while expediting legitimate travel and trade.

When will the Request For Proposals (RFP) be issued?

November 2003. The US-VISIT Project Team is working on an acquisition strategy that will ensure the latest technologies that are available will be incorporated into US-VISIT.

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